

REMARKS

Applicants respectfully traverse the restriction requirement and provisionally elect the subject matter of Group I, presented in Claims 37-39, 41-53, drawn to a compound which has binding affinity for a tumor-specific molecule and is able to effect dyslocalization of the tumor-specific molecule, and Linking Claims 58-60 for further prosecution. The Examiner has also required Applicants to elect a species to which the claims shall be restricted if no generic claim is finally held to be allowable. Office Action at page 4. Applicants note that the species recited by the Examiner in the Office Action are derived from claims further defining the tumor-specific molecule. However, consistent with Applicants understanding, Applicants elect the following species: the species drawn to a peptide, oligopeptide, protein, or fusion protein (claims 37-39, 41-53, 58-60, and 77) and the species drawn to a compound having a DNA-binding domain (claims 37-39, 41-53, 58-60, and 77). Claims 37-39, 41-53, 58-60 are considered generic with respect to all species elections and are under consideration to the extent that they read on the elected species. Applicants reserve the right to consideration of claims to additional species upon the finding of an allowable generic claim.

Applicants, however, submit that the Office has not proven that the search and examination of the entire application would impose an undue burden. Applicants submit that the complete examination would be handled most expeditiously by treating all of the pending claims as a single entity. As MPEP §803 directs, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Applicants respectfully submit that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. Rather, a serious burden would arise if the application were restricted.

Applicants submit that the restriction requirement is inappropriate. For example, Applicants contend that Groups I and II should be examined simultaneously because they are related as a nucleic acid encoding the protein of claim 53. The Examiner alleges that the inventions of Groups I-IV have no special technical feature that defined the contribution over the prior art of Vigneri and Wang (*Nature Medicine*, Feb. 7, 2001, pp. 228-234). Office Action at

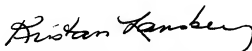
page 3. Thus, the Examiner argues that method of the present invention cannot be considered a special technical feature, as lack of unity rules hold that a feature known to a person of ordinary skill in the art makes no advance over the prior art. Applicants respectfully submit that the Examiner has mistaken the claimed invention and the technical feature described in Vigneri and Wang to be the same.

Based upon the foregoing, Applicants submit that the restriction requirement is improper and therefore must be withdrawn. In order to facilitate prosecution, however, Applicants have provisionally elected, with traverse, the subject matter of Group I, presented in Claims 37-53, drawn to a compound which has binding affinity for a tumor-specific molecule and is able to effect dyslocalization of the tumor-specific molecule, and linking Claims 58-60 for further prosecution. Claim 77 has been newly added, should be included in Group I and reads on the elected species. Applicants have previously canceled Claims 1-36 and now cancel Claims 40, 54-57, and 65-72 without prejudice or disclaimer to the claimed subject matter. Claims 54-57 and 65-72 are canceled as being directed to non-elected subject matter. Claims 61-64 and 73-76 are withdrawn as being directed to non-elected subject matter. Applicants reserve the right to prosecute the non-elected inventions in divisional applications. Claims 37-39, 41-53, and 58 are amended to clarify the claimed subject matter without prejudice or disclaimer. Support for the claim amendments and newly added claim may be found in the Specification and original claims. Support for the amendment to the specification can be found, for example, at Figure 1C. No new matter is added by way of the present amendment. Claims 37-39, 41-53, 58-64, and 73-77 are pending.

CONCLUSION

In view of the above, each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. The Examiner is encouraged to contact the undersigned at (202) 942-5186 should any additional information be necessary for allowance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kristan Lansbery".

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